

Section 2a of the Retailers' Occupation Tax requires that a corporate applicant must submit the name, title and social security number of each corporate officer in order to obtain registration for sales taxes. See 35 ILCS 120/2a. (This is a GIL.)

September 11, 2013

Dear Xxxxx:

This letter is in response to your letter dated August 23, 2012, in which you request information. The Department issues two types of letter rulings. Private Letter Rulings ("PLRs") are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. A PLR is binding on the Department, but only as to the taxpayer who is the subject of the request for ruling and only to the extent the facts recited in the PLR are correct and complete. Persons seeking PLRs must comply with the procedures for PLRs found in the Department's regulations at 2 Ill. Adm. Code 1200.110. The purpose of a General Information Letter ("GIL") is to direct taxpayers to Department regulations or other sources of information regarding the topic about which they have inquired. A GIL is not a statement of Department policy and is not binding on the Department. See 2 Ill. Adm. Code 1200.120. You may access our website at www.tax.illinois.gov to review regulations, letter rulings and other types of information relevant to your inquiry.

The nature of your inquiry and the information you have provided require that we respond with a GIL. In your letter you have stated and made inquiry as follows:

Enclosed you will find Schedule REG-1-O to update the Owner/Officer information and Schedule Reg-1-R to update responsible party information for COMPANY. As you know, these two forms require our Officers/Employees to provide their personal information, home address, social security number and/or date of birth on paper and mail to an unsecured PO Box location. The privacy law in STATE puts our company under an obligation to protect the personal information of all our employees. In speaking to a representative of the Illinois Department of Revenue (DOR) it was communicated to us that access to this personal information would be strictly limited. However, our concern is that once the information is committed either to paper or electronic storage, the possibility exists that the information can be lost, stolen, or disclosed inadvertently.

Therefore, we respectfully request that you grant an exception to your current requirement and instead allow us to submit only the last four (4) digits of our Officer's social security numbers, or the substitution of the FEIN number for COMPANY instead.

If this request is not possible, we would ask that you provide us with the means by which you will safeguard our confidential/personal information from inadvertent disclosure or misuse; from its receipt at the DOR to the secure channel used to transfer and ultimately store the information.

If you should have any questions regarding our request please do not hesitate to contact me.

DEPARTMENT'S RESPONSE:

Section 2a of the Retailers' Occupation Tax Act, 35 ILCS 120/2a, provides in part that "Each such application . . . shall state: (1) The name and social security number of the applicant; (2) the address of his principal place of business; (3) the address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State and the addresses of all other places of business, if any (enumerating such addresses, if any, in a separate list attached to and made a part of the application), from which he engages in the business of selling tangible personal property at retail in this State, and (4) the name and address of the person or persons who will be responsible for filing returns and payment of taxes due under this Act, (5) in the case of a corporation, the name, title, and social security number of each corporate officer, . . . and (7) such other information as the Department may reasonably require." (emphasis added). As the requirement of listing corporate officers' social security numbers is statutory, the Department is without authority to administratively waive it.

The Illinois Department of Revenue places a high importance on safeguarding confidential taxpayer information. Corporate officer information included in the registration documentation is confidential and is not made available to the public. The Illinois Department of Revenue only uses it for official purposes and it is a Class B misdemeanor for a Department employee to improperly divulge such information, 35 ILCS 120/11.

I hope this information is helpful. If you require additional information, please visit our website at www.tax.illinois.gov or contact the Department's Taxpayer Information Division at (217) 782-3336.

Sincerely,

Samuel J. Moore
Associate Counsel

SJM:lms